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Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General**

Summary

The present report contains information on the role and achievements of the Cambodia Office of the United Nations High Commissioner for Human Rights (OHCHR/Cambodia) from December 2001 to June 2002. It has been prepared pursuant to General Assembly resolution 56/169 of 19 December 2001.

In February 2002, the United Nations High Commissioner for Human Rights and the Minister for Foreign Affairs of Cambodia signed a new two-year memorandum of understanding for the implementation of a technical cooperation programme.

In March and June 2002, OHCHR/Cambodia facilitated the fifth and sixth missions of the Special Representative of the Secretary-General for human rights in Cambodia to the country.

The Office continued to follow the overall human rights situation, and regularly brought its concerns to the attention of provincial and national authorities, giving its particular attention to the commune council elections held on 3 February 2002 through monitoring, reporting, legal assistance and capacity-building activities. The

* A/57/150.

** The present report is being submitted on 6 August 2002 in order to include as much updated information as possible.

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Office continued to advocate for legal and judicial reform and provided comments on several draft laws as well as advice on legal issues and fair trial procedures at a number of courts. The Office also produced a legislative guide book and an updated compilation of Cambodian laws in Khmer and developed draft judicial education materials aimed at strengthening the protection of human rights through the judiciary.

OHCHR/Cambodia continued to support human rights training at the provincial level for: the Royal Cambodian Armed Forces in former Khmer Rouge areas; the Cambodian National Police; and, in some training schools of the Armed Forces, for the Royal Gendarmerie and the Police. OHCHR/Cambodia continued to co-sponsor the inter-agency project on enforcement of laws against the sexual exploitation of children, aimed at strengthening the investigative capacity of the police in this area. Training sessions on the law against trafficking and other human rights topics were conducted for the local authorities and general population.

A course on human rights law and practice was developed with the assistance of OHCHR/Cambodia at the Faculty of Law and Economic Sciences of the Royal University of Phnom Penh.

OHCHR/Cambodia provided technical advice and training to the Cambodian Human Rights Committee for the preparation of the Government's reports on the International Covenant on Economic, Social and Cultural Rights and on the International Convention on the Elimination of All Forms of Racial Discrimination.

It continued to provide training, legal advice and financial assistance to strengthen the capacity of Cambodian non-governmental organizations (NGOs) to carry out activities to promote and protect human rights. It provided training on monitoring and documenting economic, social and cultural rights to the NGO Committee on the monitoring of those rights and assisted the Committee in preparing a parallel report on the International Covenant on Economic, Social and Cultural Rights. The Office also provided grants to local NGOs to implement projects on juvenile justice, HIV/AIDS orphans and minority and indigenous peoples.

During the reporting period, the Office undertook a process of strategic planning and review of its programmes. In consultation with NGOs, government officials and donor agencies, it developed a set of activities for the coming year that built on past activities and set new directions to respond to the changing needs of the situation in Cambodia.

Contents

		Paragraphs	Page
I.	Introduction	1–6	3
II.	Assistance to the Special Representative of the Secretary-General for human rights in Cambodia	7–8	5
III.	Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights	9–81	5
	A. Protection of human rights	9–11	5
	B. Activities of the Office of the United Nations High Commissioner for Human Rights/Cambodia in the technical cooperation programme	12–67	6
	C. Election programme	68–71	12
	D. Coordination with the United Nations system and donor coordinating mechanisms	72–77	12
	E. Staff of the Cambodia Office of the United Nations High Commissioner for Human Rights, and the financial situation of the United Nations Trust Fund for Human Rights Education in Cambodia	78–81	13

I. Introduction

1. The Cambodia Office of the United Nations High Commissioner for Human Rights (OHCHR/Cambodia) was established pursuant to resolution 1993/6 of the Commission on Human Rights, which entrusted the Office to carry out the following activities:

(a) To manage the implementation of education and technical assistance and advisory services programmes and ensure their continuation;

(b) To assist the Government of Cambodia, established after the election, at its request, in meeting its obligations under human rights instruments to which it had recently adhered, including the preparation of reports to the relevant treaty monitoring bodies;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. OHCHR/Cambodia also assists the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his/her functions. In subsequent resolutions, the Commission on Human Rights and the General Assembly requested the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with OHCHR/Cambodia, to assist the Government in ensuring the protection of the human rights of all people in Cambodia.

3. The present report contains information on the role and achievements of OHCHR/Cambodia from December 2001 to June 2002 in assisting the Government and people of Cambodia in the promotion and protection of human rights. It has been prepared pursuant to General Assembly resolution 56/169 of 19 December 2001.

4. In that resolution, the General Assembly noted with concern the continued problems related to the rule of law and the functioning of the judiciary and urged the Government of Cambodia to continue its efforts towards the early adoption of the draft statute on magistrates, a penal code, a code of criminal procedures, a new civil code and a code of civil procedure, as well as its efforts to reform the administration of justice and to enhance the training of judges and lawyers. It also urged the Government to continue to take the necessary measures to promote the independence, impartiality and effectiveness of the Supreme Council of the Magistracy. It expressed serious concern about the continuing existence of the situation of impunity and called upon the Government, as a matter of critical priority, to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights. The Assembly expressed grave concern about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, child labour and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob-killing. It urged an end to racial violence against and vilification of ethnic minorities. The Assembly urged the Government to further improve the health conditions of children and their access to education and noted with concern the continued and growing phenomenon of trafficking in and sexual exploitation of women and children. It called on the Government to take further measures to improve the conditions of detention and to provide proper health care to the detainees.

5. The General Assembly welcomed the enactment of the Land Law, the Law on the Administration and Management of Communes/Sangkat and the Law on the Election of Commune/Sangkat Councils as well as the adoption of the Governance Action Plan, and encouraged the timely and effective implementation of the Plan. The efforts of the Government to demobilize its armed forces, including the launching of the first part of the demobilization programme, were also welcomed. The Assembly urged the Government to continue to carry out effective reform, including the implementation of a full-scale demobilization programme, welcomed the progress made in improving the status of women and urged the Government to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms and to take steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance. The Assembly commended the

efforts of the Government, OHCHR and civil society in the field of human rights education and training.

6. On 26 April 2002, at its fifty-eighth session, the United Nations Commission on Human Rights adopted resolution 2002/89. The Commission requested the Secretary-General to report to it at its fifty-ninth session on the role and achievements of the Office of the United Nations High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate. Additionally, the Commission decided to continue its consideration of the situation of human rights in Cambodia at its fifty-ninth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

II. Assistance to the Special Representative of the Secretary-General for human rights in Cambodia

7. OHCHR/Cambodia facilitated the fifth and sixth missions of the Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, in accordance with his mandate to: (a) maintain contact with the Government and people of Cambodia; (b) guide and coordinate the United Nations human rights presence in Cambodia; and (c) assist the Government in the promotion and protection of human rights. The missions took place from 3 to 10 March and from 3 to 10 June 2002, respectively. Detailed information on their programme and findings are contained in the report of the Special Representative to the General Assembly (A/57/230).

8. The Special Representative was informed about the human rights situation, in particular in the areas of judicial reform, the commune council elections, the right to education, the right to housing, the situation of human rights defenders and mob violence. The Office regularly provided the Special Representative with information on cases of human rights violations and on cases he had previously brought to the Government's attention. The Office also assisted the Special Representative in preparing three reports on the commune council elections and one report on the problem of mob violence, entitled "Street Retribution in Cambodia".

III. Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights

A. Protection of human rights

9. The Office continued to monitor the general human rights situation, document specific patterns of human rights violations and investigate selected cases of alleged violations of human rights. This work was carried out in accordance with previous Commission on Human Rights and General Assembly resolutions by the offices in Phnom Penh and the provinces. Action was taken on cases of intimidation and violence in connection with the February 2002 commune council elections, torture and cruel, inhuman and degrading treatment and punishment by law enforcement officials, illegal arrest and detention, trafficking in children and women and unlawful forced evictions.

10. The Office regularly brought its concerns to the attention of the Government, requesting its intervention in specific cases and proposing measures to address issues affecting the human rights situation in the country. It also raised cases with the Public Prosecution Department, asking for the initiation of legal proceedings against suspected offenders. The Office observed trials on a selective basis. In certain cases, the Office facilitated medical, legal and other forms of assistance to victims.

11. The Office continued to monitor conditions of detention and imprisonment and the enforcement of court orders. Shortage of food and inadequate medical assistance to inmates were of continuing concern. Many reports were received of cases where suspects were not legally represented in court because of the shortage of lawyers in Cambodia, or were tried in absentia due to lack of transportation to take them from the detention centres to court. Several cases in which law enforcement officials refused or failed to implement court orders were raised with the relevant institutions.

B. Activities of the Office of the United Nations High Commissioner for Human Rights/Cambodia in the technical cooperation programme

12. In February 2002, the Office of the High Commissioner for Human Rights and the Ministry for Foreign Affairs signed a new two-year memorandum of understanding for the implementation of a technical cooperation programme on human rights. The memorandum included the following areas of cooperation: the provision of continuing assistance to the Government in promoting and protecting human rights; the promotion of greater integration of the human rights dimension into education, health and other development programmes, in cooperation with development partners; the provision of further training to law enforcement and armed forces officials with a view to increasing their knowledge of international human right standards in support of the Government's restructuring and reform programmes; the provision of technical support for the Government's reform programmes, including in the areas of administration of justice and the legislative process, to encourage the participation of civil society and to promote public education on democracy and human rights, especially in the domains of economic, social and cultural rights, in conformity with international human rights standards; the provision, upon request by the Government, of technical assistance and advice in fulfilling its responsibilities, including submission of reports by Cambodia under its international human rights treaty obligations; the provision of advice and assistance to the Government and its civil society partners on the establishment of a national human rights institution and the training of its staff on human rights; and the provision of any other necessary assistance upon request from the Government and agreement by the parties.

13. As of the beginning of 2002, OHCHR/Cambodia undertook a process of strategic planning and review of its activities, which involved wide-ranging consultations with NGOs, Government officials and donor agencies. The purpose was to develop more focused programmes to respond to the changing needs of the human rights situation within the framework of the mandate provided by the General Assembly, the Commission on Human Rights and the above-mentioned memorandum of understanding. The future programme builds on past programmes, sets new directions in some areas and responds to concerns expressed by the Commission on Human Rights and the General Assembly on the situation of human rights in Cambodia.

14. The Office will continue its dual approach of working on immediate issues while pursuing the longer-term goal of helping to establish and strengthen institutions to safeguard and advance respect for human rights and to end impunity. The general election, now scheduled for 27 July 2003, will be important for sustaining the reform process. The Office will contribute to ensuring that these elections are conducted in a free, informed and fair way, without intimidation and fear. Progress in legal and judicial reform has been slow. The Office will continue to give priority to this area, focusing on specific institutions with clearly defined goals. Cambodia remains one of the poorest countries in the world, with a deepening disparity between rich and poor. This requires the Office to give greater priority to economic, social and cultural rights, with particular regard to land and housing. The Office will continue to closely cooperate with NGOs and civil society groups. It will provide strategic support and training, where appropriate and needed, to strengthen their capacity to safeguard and advance respect for human rights in Cambodia.

1. Assistance in drafting and implementing legislation to promote and protect human rights

15. OHCHR/Cambodia continued to contribute to efforts to advance legal and judicial reform. It provided comments and advice on the Government's draft strategy statement and on the World Bank's aide-memoire, prepared to assist the Government in this area. It also continued to participate in the donors' good governance working group as part of the consultative group process.

16. OHCHR/Cambodia provided comments on draft laws both during the drafting process and the parliamentary debate. It also regularly monitored progress on debates of the National Assembly and Senate on major laws.

17. During the reporting period, OHCHR/Cambodia provided comments on drafts of the penal code, the law on domestic violence, the forestry law, the prakas on the prohibition of child labour in hazardous places, the law on aggravating circumstances of felonies, the law on amendment of articles 36, 38, 90, and 91 of the Law

on Criminal Procedure, the law on HIV/AIDS, the amendment to the Law on the Supreme Council of the Magistracy and the sub-decree on the Cadastral Commission. Currently, the Office is working on drafts of the fishery law, the statute of judges and the anti-corruption law.

18. With regard to the draft penal code, OHCHR/Cambodia participated in the review committee set up by the Ministry of Justice and facilitated the systematic provision of comments by an NGO working group.

19. Certificates were awarded to graduates who had completed the law drafting training courses organized by OHCHR/Cambodia for parliamentarians, Government officials, lawyers and representatives from NGOs and civil society organizations. The introduction of public hearings by parliamentary commissions was one of the items covered by the training programme. Recently, the Legislation Commission of the National Assembly organized the first public hearing of this kind on amendments to the electoral law.

20. A Legislative Guide Book and an updated compilation of Cambodian laws in Khmer were produced to meet the need for legal reference materials.

2. Creation of national institutions and strengthening other Government bodies for the promotion and protection of human rights

21. OHCHR/Cambodia, in all areas of its mandate, works closely with, and provides assistance to a number of national institutions with human rights responsibilities. The main institutions are the Commission on Human Rights and Reception of Complaints, the Legislative Commission of the National Assembly and of the Senate, the Supreme Council of the Magistracy, the Courts, the Office of the Prosecutor General, the governmental Cambodian Human Rights Committee, the Cambodian National Police, the Royal Cambodian Armed Forces, the Royal Gendarmerie, the Prison Department, the Ministry of Justice, the Ministry of Women and Veterans' Affairs and NGOs. Specific activities implemented in cooperation with these institutions are mentioned in various sections of the present report.

22. The Office is also following efforts by the Cambodian Working Group on Human Rights Mechanisms to develop legislation to establish an independent national commission and to provide relevant documentation. The Working Group, consisting of NGO representatives and parliamentarians, held two workshops at the central and provincial levels to review the draft legislation.

3. Capacity-building and training for Government officials in the administration of justice

23. OHCHR/Cambodia has been providing and/or supporting human rights training: for the Royal Cambodian Armed Forces since 1995; for the Cambodian National Police since 1999; and for the Royal Gendarmerie between 1999 and 2001. Its assistance has involved the development of training materials, the training of trainers and senior officers and technical and financial support for the organization of training by the Cambodian trainers. Responsibility for delivering the training has shifted over time to the Ministries of Defence and of the Interior. NGOs regularly participate in the training organized by the police with OHCHR/Cambodia's support.

24. Since 2001, emphasis has been placed on increasing the sustainability of human rights training for the above groups. For this purpose, OHCHR/Cambodia started working with the Royal Cambodian Armed Forces, the Royal Gendarmerie and National Police Training departments to devise ways to incorporate human rights into the professional training conducted at their respective schools. Support to human rights training conducted at the provincial level by the Royal Cambodian Armed Forces has been phased out, with the exception of training in former Khmer Rouge areas, where lower numbers of military members had been reached. Training for gendarmes in the provinces has been completed. Support for police training at the provincial level will be phased out in the coming months.

25. During the reporting period, OHCHR/Cambodia conducted an assessment of the current status of human rights training in military, gendarmerie and police training schools and of the need to ensure continued teaching of human rights. Some schools have already scheduled human rights training in their programmes, although they have not integrated them into existing training materials. Difficulties encountered in pursuing the incorporation of human rights training in the schools include the minimal governmental budget provided for training to the respective departments, the limited structured and systematic training programmes

offered in the schools and the limited capacity of instructors to deliver human rights training.

26. During the coming year, OHCHR/Cambodia will discuss the recognized needs with the Government, donor agencies and Cambodian NGOs in order to help identify ways to meet them and institutions that may provide further assistance.

Royal Cambodian Armed Forces and Royal Gendarmerie

27. Human rights training for members of the Royal Cambodian Armed Forces continued to be conducted by military instructors, with the Office's support, in former Khmer Rouge areas. Twenty courses were completed for 760 middle ranking and junior RCAF members in the provinces of Battambang, Kampot, Kompong Speu, Koh Kong and the municipality of Kep. In keeping with the new approach, four courses were also held at two military schools, with a total of 273 participants. In addition, two courses for 48 senior officers were conducted in Phnom Penh.

28. OHCHR/Cambodia assisted in conducting a training course on human rights as part of a three-month training programme for district commanders organized by the Royal Gendarmerie School in Phnom Penh.

Cambodian National Police

29. Under the joint OHCHR/Ministry of Interior programme, OHCHR-trained police instructors continued to provide human rights training to members of the Cambodian National Police. Approximately 3,200 police officials participated in the training between December 2001 and June 2002, with a total of 90 training courses conducted in 18 Cambodian provinces and municipalities.

30. The Office continued to co-sponsor the inter-agency project on enforcement of laws against the sexual exploitation of children, in cooperation with the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), Redd Barna, World Vision and the Ministry of Interior. The first phase of the project was completed in March 2002.

31. From December 2001 to March 2002, five advanced workshops for approximately 200 judicial police were conducted in Kompong Som, Takeo, Svay Rieng and Kompong Cham provinces and in Phnom Penh municipality. In March 2002, a sensitization workshop on child sexual exploitation was held for judicial police in Pailin and one for the special police in Siem Reap. At the Ministry of Interior, on-the-job training continued for those judicial police officials who completed the provincial workshops.

32. The Ministry of Interior reported 12 cases of child sexual exploitation from January to April 2002. The cases entailed rape, trafficking within Cambodia and transnational trafficking to Malaysia, child prostitution and illegal confinement. The cases involved 33 victims, of whom 32 were reportedly rescued and/or returned to their families. A total of 13 alleged offenders were arrested.

33. The second phase of the project, covering the period from April 2002 to April 2005, will focus on improving case management by the police; developing an effective reporting and database system; training judicial police in 11 new provinces and municipalities with some focus on the training of border police and the special police force; seminars on child sexual exploitation for provincial/municipal governors; development of regulations and procedures for medical examination of victims of sexual abuse and training of medical practitioners; training of judges and prosecutors on laws addressing sexual exploitation of children and related subjects; and a review of laws on sexual exploitation.

4. Implementation of education and technical assistance and advisory services programmes

Education for Government officials and the general population

University education

34. The course on international and national dimensions of human rights law and practice, developed with the Office's assistance at the Faculty of Law and Economic Sciences of the Royal University of Phnom Penh, started in November 2001. A total of 668 students in law and economics attend the course. In cooperation with the Faculty, a mid-term assessment was conducted at the conclusion of the first semester.

35. Human rights publications and reference materials were provided to the library of the Faculty to start setting up a human rights section to support

teaching and research in human rights. Additional materials are now being identified.

Labour

36. Ten training sessions on labour rights were conducted by the Inspection Department of the Ministry of Social Affairs, Labour, Youth and Rehabilitation for 246 managers and employers' representatives in garment and shoe factories in Phnom Penh and Sihanoukville. The sessions were carried out by labour inspectors trained by OHCHR/Cambodia. The Office also provided financial support and training materials.

Training on trafficking and other topics

37. During the reporting period OHCHR/Cambodia conducted training on investigation techniques and documentation of human rights violations for the staff of the Senate's Human Rights Commission.

38. Through its provincial offices, OHCHR/Cambodia provided 10 training sessions for villagers and local authorities on the law against trafficking. Training on human rights and democracy was resumed a few months before the Commune Council elections. Thirty-four training sessions were held for the general population as well as commune, district and provincial authorities, as well as some of the new commune councils. Three workshops on discrimination against people living with HIV/AIDS were held at the village level. Approximately 2,000 persons were reached through these programmes.

39. In view of the increased capacity of Cambodian human rights organizations to undertake training, OHCHR/Cambodia is planning to phase out its programmes on the above topics, focusing instead on specialized areas where needs are not, or are not sufficiently, met, including economic, social and cultural rights, land legislation and investigation of human rights violations.

Information

40. In cooperation with NGOs and local authorities, OHCHR/Cambodia provincial offices organized events to commemorate Human Rights Day on 10 December 2001. Preference was given to organizing events in remote areas, including in former Khmer Rouge and border areas. Events included cultural performances by local groups on human rights issues and economic, environmental and cultural rights, quiz contests and distribution of promotional materials.

41. OHCHR/Cambodia started a review of the Khmer translations of the Universal Declaration of Human Rights and the eight human rights treaties that Cambodia is party to, with the aim of producing legally correct and understandable versions of the instruments, as existing translations, which were made several years ago, contain inaccuracies. A working group composed of individuals with expertise on legal and human rights matters and on the Khmer language and culture was set up to review the new translations prior to finalization.

42. Human rights publications, laws and information materials continued to be distributed to the general public, NGOs and Government officials.

Assistance to the judiciary

43. The Office continued assistance to the courts. Advice on legal issues and fair trial procedures was regularly provided at a number of courts through international legal consultants and court assistants. As part of the overall strategic planning process, the Office reviewed activities undertaken through its judicial mentoring programme in order to fully integrate them into its overall programme and mandate and to maximize the Office's contribution to judicial reform efforts.

44. OHCHR/Cambodia monitored several trials of concern. It also took up problems of legal representation and access to justice and sought to facilitate contacts between litigants and legal aid NGOs and lawyers whenever serious cases were being tried in courts without legal representation for the defendants.

45. The Office has also been following the process of judicial reform, including issues such as inadequate resources and the provision of a separate budget for the judiciary, the urgency of adopting priority legislation for structural reforms of the Supreme Council of the Magistracy and other courts, the shortage of lawyers and corruption. These issues were among those taken up by the Special Representative of the Secretary-General for human rights in Cambodia during his recent missions to Cambodia and are reflected in his reports to the Commission on Human Rights (E/CN.41/2002/118) and to the General Assembly (A/57/230). During the World Bank's consultative group meeting, held from 19 to 21 June 2002, the Government announced the creation of a Legal and

Judicial Reform Council to enhance the process of reform.

46. Draft judicial education materials were developed on the basis of an assessment of the training needs of Cambodian judges and prosecutors. Emphasis was placed on knowledge and skills needed to strengthen the protection of human rights through the judiciary. The areas covered include refresher sessions on substantive criminal law; focus sessions on confessions, arrest and detention; a case study on sentencing and drafting judgements; and seminars on topical issues such as the land law, the application of constitutional provisions on human rights, juvenile justice and the status of women in the Cambodian justice system. The draft materials were discussed with the Ministry of Justice and submitted for review to a small group of Cambodian and foreign legal experts. The materials will be tested as part of the Office's future programme on judicial reform. Discussions are under way with the newly established Royal School for Training Judges and Prosecutors on the use of these materials as part of its curriculum.

5. Human rights reporting obligations

47. Two working groups established by the Government's Cambodian Human Rights Committee, which started working in mid-January 2002, meet weekly to prepare Cambodia's periodic report on the International Convention on the Elimination of Racial Discrimination and the initial report on the International Covenant on Economic, Social and Cultural Rights. Representatives of Ministries and NGOs are invited to participate.

48. In addition to documentation and training, OHCHR/Cambodia is providing technical assistance in the form of advice on the treaties' provisions and compliance with the guidelines for the preparation of the reports. In January, the Office conducted a training session for the members of the working group in charge of preparing the report on the International Convention on the Elimination of Racial Discrimination. Representatives of Ministries and NGOs were involved in the process. The training focused on the functioning of the Committee on the Elimination of Racial Discrimination, the provisions of the Convention and the guidelines for the preparation of State reports. Training sessions on specific provisions of the International Convention on the Elimination of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights are also conducted on the basis of need.

49. Two compilations of basic reference documents on both Committees and treaties, including the general comments, were prepared, translated into Khmer and made available to the working groups.

50. The drafting of the two reports has progressed slowly. The main difficulties encountered by the working groups relate to obtaining information from line Ministries and other institutions, ensuring regular participation of line Ministries in the process and including information on the Government's practices to give effect to the treaty provisions, in addition to information on the relevant legal framework. At end June 2002, the Committee was planning to finalize both draft reports by the end of August.

51. OHCHR/Cambodia also continued to work with the NGO Committee on Monitoring Economic, Social and Cultural Rights. The Committee is preparing a parallel report on the implementation of the International Covenant on Economic, Social and Cultural Rights. The Office conducted a training course for members of the Committee and supported small research projects in the areas of labour, housing and environmental rights in order to gather information on the situation outside the province of Phnom Penh.

6. Support to non-governmental human rights groups in Cambodia

52. OHCHR/Cambodia continued to provide training, legal advice and other forms of technical and financial assistance to strengthen the capacity of Cambodian NGOs and other civil society organizations to carry out activities to promote and protect human rights.

53. A training course on monitoring and documenting economic, social and cultural rights was conducted in January 2002 by OHCHR/Cambodia in cooperation with the NGO Committee on the monitoring of those rights. The course was directed at approximately 30 organizations that are members of the NGO Committee. The objectives of the course were: (a) to strengthen the participants' capacity to monitor selected economic social and cultural rights; (b) to provide information on NGO experience of reporting to the Committee on Economic, Social and Cultural Rights; and (c) to facilitate the development of an approach and strategy for the preparation of a Cambodian NGO report to the Committee.

54. The course, which involved both international and national resource persons, focused on methodologies to monitor economic, social and cultural rights in four priority areas identified in consultation with the NGO Committee: housing; land; education; and health. It also addressed strategies to prepare parallel reports to the Committee on Economic, Social and Cultural Rights.

55. OHCHR/Cambodia, together with the United Nations Centre for Human Settlements (Habitat), assisted NGOs and community-based organizations working with urban poor and squatter communities in addressing violations of the right to housing caused by a number of evictions and forced relocations to underdeveloped sites in Phnom Penh.

56. In April 2002, OHCHR/Cambodia conducted a training course for approximately 40 NGOs, members of the Cambodian NGO Committee on the Convention on the Elimination of All Forms of Discrimination against Women. The Committee, which recently compiled a parallel report on the Convention, includes organizations working on protection, legal and development issues affecting women. The course aimed at providing information on the Convention and its relevance to the work of the organizations. It included an introduction to the Convention, concepts of equality and non-discrimination, violence against women, trafficking, economic and social rights and the treaty reporting procedure.

57. Monthly training sessions for women and children in difficult circumstances were provided as part of a vocational training programme. OHCHR/Cambodia also participated in training programmes organized by local NGOs on the right to health, minority rights, human rights and corruption and economic, social and cultural rights.

58. OHCHR/Cambodia conducted a survey on the resource needs of NGOs in the provinces in the field of education and training. The results of the survey will help the Office to review NGO needs and to assist those NGOs conducting education and training programmes in the future.

59. Under the NGO grant support programme, two grant agreements were signed with local organizations. The first covers the provision of legal assistance to juvenile offenders and victims in four provinces of Cambodia. The second concerns a project in Battambang province, which aims to reduce discrimination against HIV/AIDS orphans through education and sensitization activities. The project is carried out in schools by Buddhist monks. OHCHR/Cambodia has conducted two training sessions on the human rights aspects of HIV/AIDS for the monks who are responsible for sensitization activities.

60. OHCHR/Cambodia is also facilitating implementation of the global Acting Communities Together Project (ACT), and project proposals submitted by local NGOs are currently being screened.

61. By way of follow up to the National Public Forum on Minority and Indigenous People Rights, which was held in 2001, OHCHR/Cambodia is supporting the organization of public forums in five provinces by the NGO working group on minority and indigenous peoples' rights. The purpose of these forums is to provide an opportunity to minority and indigenous communities to voice their concerns, to increase awareness by local authorities about human rights problems faced by these groups, to formulate recommendations for appropriate action and to promote mutual understanding between minority and indigenous people and the majority Cambodian population. Three forums were held in Kompong Cham, Svay Rieng and Kompong Chhnang provinces, bringing together members of the Khmer Muslim, ethnic Vietnamese and Khmer Kampuchea Krom minorities, representatives of local NGOs and local authorities. Problems raised by participants included land grabbing by powerful people, difficulties for the ethnic Vietnamese in obtaining identification documents, discrimination against the Cham Muslim community and abuses by local authorities in general. Two more forums are planned in the provinces of Ratanakiri and Mondulkiri, where there is a high concentration of tribal hill people. Discussions with the local authorities on the specific schedule are still under way.

62. At the end of the provincial forums, an analysis of the problems identified by the communities will be drawn and recommendations formulated. The recommendations of the National Public Forum of 2001 were submitted by the working group to the Government, the National Assembly and the Senate.

63. As part of its environmental rights programme, OHCHR/Cambodia is funding a project by a coalition of NGOs working to promote legal knowledge,

networking and advocacy among fishing communities around Tonle Sap, the "Great Lake".

64. OHCHR/Cambodia continued to participate in meetings of the Cambodian Human Rights Action Committee, a coalition of 18 NGOs that meets regularly and coordinates action on human rights issues. It continued to assist the Cambodian Human Rights Action Committee video production unit in the production of educational videos on mob violence and land grabbing. It worked with the HIV/AIDS and human rights network to assist member organizations in setting up a mechanism to exchange information on cases of discrimination against people living with HIV/AIDS and to take appropriate action.

65. OHCHR/Cambodia continued to provide advice on monitoring and investigation to members of the Cambodian Human Rights Action Committee as well as to election monitoring organizations at the national and the provincial level. The Office conducted joint investigations into several cases of human rights violations and facilitated dialogue on issues of general concern as well as on individual cases of human rights violations between members of the Cambodian Human Rights Action Committee and Government officials and members of the judiciary. The Office also investigated cases affecting the security of human rights defenders.

66. During the period under review, OHCHR/Cambodia recruited a consultant to assist in developing a database for recording human rights violations. The database, which will be produced in Khmer, will be introduced to interested NGOs.

67. OHCHR/Cambodia worked to build the legal capacity of NGOs by providing training and advice on law drafting and legal issues, assisting in establishing working groups to facilitate their participation in the law-making process and assisting in trial monitoring.

C. Election programme

68. OHCHR/Cambodia worked on the implementation of a new election programme, which initially focused on the Commune Council elections held on 3 February 2002. The programme includes monitoring, reporting, legal assistance and capacity-building activities.

69. Several hundred reports of election-related violence, intimidation and incorrect application of the election legislation were documented. Many of these reports were thoroughly investigated. Individual cases as well as more general issues of concern, for instance the right to equitable media access and the need for neutrality of State institutions, were closely monitored and regularly discussed with officials of the electoral administration, the Government, law enforcement officials, public prosecutors and representatives of NGOs. All trials concerning election-related killings were observed by the Office.

70. OHCHR/Cambodia assisted the Special Representative in preparing three public reports and held several briefings for national and international election observers, members of the diplomatic community and media representatives. It continued to participate in coordination mechanisms established among organizations and institutions concerned with issues related to the Commune Council elections.

71. After the Commune Council elections, the Office participated in public discussions on the preparation for the National Assembly elections in 2003. It has also offered to assist the Royal Government in developing the legal framework for future elections.

D. Coordination with the United Nations system and donor coordinating mechanisms

72. OHCHR/Cambodia participates in a number of United Nations and donor coordinating mechanisms on human rights and rule of law issues.

73. It is a member of the recently established United Nations thematic group on poverty. In this context, it provided comments on the draft of the Cambodian poverty, vulnerability and inequality indicators, with a view to strengthening their human rights dimension and their usefulness as a tool to assess and monitor the progressive elimination of poverty and the achievement of human rights in Cambodia.

74. It regularly participated in the United Nations thematic group on HIV/AIDS and the United Nations technical working group on HIV/AIDS.

75. OHCHR/Cambodia continued to participate in the national project against trafficking in women and children and its core committee, together with

UNICEF, ILO/the International Programme on the Elimination of Child Labour, the United Nations Development Programme (UNDP), IOM, the United Nations Inter-Agency Project and the Ministry of Women and Veterans' Affairs. During the reporting period, project members reviewed the results of the NGO projects that it funded in 2001, screened new NGO proposals, discussed the draft memorandum of understanding on trafficking between Cambodia and Thailand and started a review of the capacity of the Cambodian National Council for Children to coordinate and monitor implementation of the five-year plan against sexual exploitation and trafficking of children.

76. OHCHR/Cambodia also participated in the bimonthly meetings of the inter-agency working group on commercial sexual exploitation and trafficking of women and children in Cambodia. The working group brings together United Nations and international agencies, NGOs and bilateral donors that implement programmes in this area, with the main purpose of exchanging information to facilitate coordination.

77. As part of the consultative group process, OHCHR/Cambodia participated in donor coordination meetings and working groups on governance and the social sector, with the latter covering education, health and food security issues.

E. Staff of the Cambodia Office of the United Nations High Commissioner for Human Rights, and the financial situation of the United Nations Trust Fund for Human Rights Education in Cambodia

78. OHCHR/Cambodia is comprised of the Chief's Office and the Legal Assistance; Education, Training and Information; Monitoring and Protection; and Administrative Units. At the time of writing, it had 53 national staff, nine international staff members and one United Nations Volunteer.

79. OHCHR/Cambodia is composed of one main office in Phnom Penh and eight provincial offices in Battambang, Banteay Meanchey, Kampot, Kompong Cham, Prey Veng, Siem Reap, Malai and Pailin. The provincial network is comprised of a coordinator, two United Nations volunteers, and 16 national staff.

80. Through its judicial mentors programme, the Office continued to advise the seven courts: at Sihanoukville; Battambang; Svay Rieng; and Prey Veng; as well as the Phnom Penh Municipal Court and the Supreme and the Appeals Courts. Four international and eight national staff worked in the programme during the reporting period.

81. The United Nations regular budget covers OHCHR/Cambodia's operational expenses, including the salaries of seven international staff members and the salaries of 18 national staff members. Voluntary contributions to the United Nations Trust Fund for Human Rights Education in Cambodia cover all other expenditures relating to technical cooperation and other substantive activities, including the salaries of staff members not covered under the regular budget.

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Report of the International Atomic Energy Agency

Report of the International Atomic Energy Agency

Note by the Secretary-General**

1. The forty-sixth report of the International Atomic Energy Agency for the calendar year 2001 (GC(46)/2) is submitted herewith to the General Assembly. Major developments since this report was published will be covered by the annual statement of the Director General of the Agency to the General Assembly. This report has been transmitted in accordance with the provisions of article III, paragraph 1 (a), of the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency (General Assembly resolution 1145 (XII), annex).

2. As only a limited number of copies of the report are available, it has not been possible to make a full distribution. Delegations are therefore requested to have the copies transmitted to them available during discussion of this item.

* A/57/150.

** The annual reports, in all languages, are printed in Vienna in August of each year as part of the documentation for the General Conference of the International Atomic Energy Agency. A specified number of copies are also sent to the United Nations as part of the documentation for the General Assembly. The present cover note for the report was submitted for translation and distribution in August, as has routinely been done, once the annual reports have been received in New York.

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